IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	
Birgit M. PFITZMANN et al.	Examiner: SHEHNI, Ghazal B.
Serial No: 10/597,664	Art Unit: 2436
Filed: August 3, 2006	
For: DIGITAL RIGHTS MANAGEMENT	

APPEAL BRIEF

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellant submits this brief pursuant to 37 C.F.R. §41.37(a)(1) in furtherance of the Notice of Appeal filed December 24, 2010, setting a three-month shortened statutory period of brief filing expiring April 25, 2011 with a two-month extension of time.

Please charge Deposit Account 50-0510 the $540 fee for filing this Appeal Brief. No other fee is believed due with this Appeal Brief, however, should another fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof.

Real Party in Interest

The real party in interest is International Business Machines Corporation, as evidenced by the assignment set forth at Reel 020682, Frame 0983.

Related Appeals and Interferences

The Appellants' legal representative does not know of any other appeal, interference or judicial proceeding which will affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 1, 4-32 and 34 are pending in the present Application, with claims 1, 12, 21, 23, 25, 27, 29 and 31 being independent claims. Claims 2, 3 and 33 are cancelled. The final rejection of claims 1, 4-32 and 34 is appealed.

Status of Amendments

No amendments to the claims were made after the Final Office Action dated August 24, 2010 ("FOA").

Summary of the Claimed Subject Matter

Independent claim 1 recites a software licence management system in which a licence to use a software product is represented by a data token. App., pp. 13, ll. 11-13, Fig. 1. The system includes a software controller at a user device for

controlling use of a software product at the user device.
App., pp. 12, ll. 31 - pp. 13, ll. 2, Fig. 1, item 6a. The
software controller is adapted for allowing use of the
software product at the user device substantially only during
a use period associated with a current data token representing
the licence for the software product and supplied to the
software controller by a licence management server. App., pp.
13, ll. 20 - pp. 14, ll. 2, pp. 23, ll. 1-3, Fig. 2. The
licence management server communicates with the software
controller via a data communications network. App., Fig. 1,
item 5. The software controller is further adapted for
enabling user access to an exchange token, dependent on the
current data token supplied by the licence management server.
App., pp. 19, ll. 1-6, pp. 24, ll. 11-19, Fig. 6. The exchange
token can be supplied as a current data token to another
software controller. App., pp. 24, ll. 11-19, Fig. 6. The
software controller is further adapted for supplying one of
the current data token and the exchange token via the network
to the licence management server to be exchanged for a new
data token to replace the current data token (a) to extend the
licence for the software product beyond the use period
associated with a current data token supplied by the licence
management server and (b) if the current data token is an
exchange token from another software controller. App., pp. 22,
ll. 1-12, Fig. 6.

Independent claim 12 recites a software licence
management system in which a licence to use a software product

is represented by a data token. App., pp. 13, ll. 11-13, Fig.
1. The system includes a software controller at a user device
for controlling use of a software product at the user device.
App., pp. 12, ll. 31 - pp. 13, ll. 2, Fig. 1, item 6a. A
licence management server communicates with the software
controller via a data communications network. App., pp. 22,
ll. 1-15, Fig. 1. The software controller is adapted for
allowing use of the software product substantially only during
a use period associated with a current data token supplied to
the software controller by the licence management server.
App., pp. 13, ll. 20 - pp. 14, ll. 2, pp. 23, ll. 1-3, Fig. 2.
The software controller is further adapted for receiving an
exchange token associated with the licence. App., pp. 15, ll.
26-31, pp. 22, ll. 1-12, Figs. 2 and 6. The software
controller is further adapted for supplying one of the current
data token and the exchange token via the network to the
licence management server to be exchanged for a new data token
(a) to extend the licence for the software product beyond the
use period associated with a current data token supplied by
the licence management server and (b) if the exchange token is
received by the software controller in the absence of a
current data token. App., pp. 22, ll. 1-12, Fig. 6. The
licence management server is adapted for storing the use
period for each data token supplied to the software controller
under the licence. App., pp. 6, ll. 21-26, Fig. 6, item 51.
The licence management server is further adapted for supplying
via the network to the software controller a new data token in
exchange for a current data token, or the exchange token,

received from the software controller, the new data token having a new use period which does not overlap the use period of a data token previously-supplied under the licence. App., pp. 6, ll. 21-26.

Independent claim 21 recites a software controller for use in a software licence management system in which a licence to use a software product is represented by a data token. App., pp. 13, ll. 11-13, Fig. 1. The system includes a licence management server for communicating with the software controller via a data communications network, wherein the software controller comprises control logic for controlling use of a software product at a user device. App., pp. 12, ll. 22-25, Fig. 1, item 2. The control logic is adapted for allowing the use of the software product substantially only during a use period associated with a current data token supplied to the software controller by the licence management server. App., pp. 23, ll. 1-3, Fig. 1, item 4. The control logic is further adapted for enabling user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another the software controller. App., pp. 19, ll. 1-6, pp. 24, ll. 11-19, Fig. 6. The control logic is further adapted for supplying one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token to replace the current data token (a) to extend the licence for the software product beyond the use period

associated with a current data token supplied by the licence
management server and (b) if the current data token is an
exchange token from another the software controller. App., pp.
22, ll. 1-12, Fig. 6. Additionally, use of the software
product is not allowed if the current data token is an
exchange token. App., pp. 3, ll. 28 – pp. 4, ll. 2., pp. 17,
ll. 25-27, Fig. 5.

     Independent claim 23 recites a software controller for
use in a software licence management system in which a licence
to use a software product is represented by a data token.
App., pp. 13, ll. 11-13, Fig. 1. The system includes a licence
management server for communicating with the software
controller via a data communications network, wherein the
software controller comprises control logic for controlling
use of a software product at a user device. App., pp. 12, ll.
22-25, Fig. 1, item 2. The control logic is adapted for
allowing the use of the software product substantially only
during a use period associated with a current data token
supplied to the software controller by the licence management
server. App., pp. 23, ll. 1-3, Fig. 1, item 4. The control
logic is further adapted for receiving an exchange token
associated with the licence. App., pp. 24, ll. 11-19, Fig. 6.
The control logic is further adapted for supplying one of the
current data token and the exchange token via the network to
the licence management server to be exchanged for a new data
token (a) to extend the licence for the software product
beyond the use period associated with a current data token

supplied by the licence management server and (b) if a the
exchange token is received by the software controller in the
absence of a current data token. App., pp. 22, ll. 1-12, Fig.
6.

Independent claim 25 recites a computer program product
stored on a computer readable medium with a computer readable
program means for controlling use of a software product at a
user device in accordance with a licence represented by a data
token. App., pp. 13, ll. 11-13, Fig. 1. The user device is
connectable to a licence management server via a data
communications network. App., pp. 12, ll. 22-25, Fig. 1. The
computer program includes program code means adapted to allow
use of the software product at the user device substantially
only during a use period associated with a current data token
supplied to the user device by the licence management server.
App., pp. 13, ll. 20 - pp. 14, ll. 2, Fig. 2. The program code
means is further adapted to enable user access to an exchange
token, dependent on the current data token supplied by the
licence management server. App., pp. 19, ll. 1-6. The exchange
token can be supplied as a current data token to another user
device. App., pp. 24, ll. 11-19, Fig. 6. The program code
means is further adapted to supply one of the current data
token and the exchange token via the network to the licence
management server to be exchanged for a new data token to
replace the current data token (a) to extend the licence for
the software product beyond the use period associated with a
current data token supplied by the licence management server

and (b) if the current data token is an exchange token from
another user device. App., pp. 22, ll. 1-12, Fig. 6. Use of
the software product is not allowed if the current data token
is an exchange token. App., pp. 3, ll. 28 – pp. 4, ll. 2., pp.
17, ll. 25-27, Fig. 5.

Independent claim 27 recites a computer program product
stored on a computer readable medium with a computer readable
program means for controlling use of a software product at a
user device in accordance with a licence represented by a data
token. App., pp. 12, ll. 22-25, Fig. 1, item 2. The user
device is connectable to a licence management server via a
data communications network. Id. The computer program includes
program code means adapted to allow use of the software
product at the user device substantially only during a use
period associated with a current data token supplied to the
user device by the licence management server. App., pp. 13,
ll. 20 - pp. 14, ll. 2, Fig. 2. The program code means is
further adapted to receive an exchange token associated with
the licence. App., pp. 15, ll. 26-31, pp. 22, ll. 1-12, Figs.
2 and 6. The program code means is further adapted supply one
of the current data token and the exchange token via the
network to the licence management server to be exchanged for a
new data token (a) to extend the licence for the software
product beyond the use period associated with a current data
token supplied by the licence management server and (b) if a
the exchange token is received by the user device in the
absence of a current data token. App., pp. 22, ll. 1-12, Fig.

6.

Independent claim 29 recites a method for controlling use
of a software product at a user device in accordance with a
licence represented by a data token. App., pp. 13, ll. 11-13,
Fig. 1. The user device is connectable to a licence management
server via a data communications network. App., pp. 12, ll.
22-25, Fig. 1. The method includes allowing use of the
software product substantially only during a use period
associated with a current data token supplied to the user
device by the licence management server. App., pp. 13, ll. 20
- pp. 14, ll. 2, pp. 23, ll. 1-3, Fig. 2. An enabling step
enables user access to an exchange token, dependent on the
current data token supplied by the licence management server,
whereby the exchange token can be supplied as a current data
token to another user device. App., pp. 19, ll. 1-6, pp. 24,
ll. 11-19, Fig. 6. A supplying operation supplies one of the
current data token and the exchange token via the network to
the licence management server to be exchanged for a new data
token to replace the current data token (a) to extend the
licence for the software product beyond the use period
associated with a current data token supplied by the licence
management server and (b) if the current data token is an
exchange token from another user device. App., pp. 22, ll. 1-
12, Fig. 6. Furthermore, use of the software product is not
allowed if the current data token is an exchange token. App.,
pp. 3, ll. 28 - pp. 4, ll. 2., pp. 17, ll. 25-27, Fig. 5.

Independent claim 31 recites a method for controlling use of a software product at a user device in accordance with a licence represented by a data token. App., pp. 13, ll. 11-13, Fig. 1. The user device is connectable to a licence management server via a data communications network. App., pp. 12, ll. 22-25, Fig. 1. The method includes allowing use of the software product substantially only during a use period associated with a current data token supplied to the user device by the licence management server. App., pp. 13, ll. 20 - pp. 14, ll. 2, pp. 23, ll. 1-3, Fig. 2. A supplying step supplies one of the current data token and an exchange token, associated with the licence, via the network to the licence management server to be exchanged for a new data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if a the exchange token is received by the user device in the absence of a current data token. App., pp. 22, ll. 1-12, Fig. 6.

Grounds for Rejection to be Reviewed on Appeal

I. Claims 1, 4-8, 10-18, 20-32 and 34 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Application Publication No. 2002/0194010 ("Bergler").

II. Claim 9 is rejected under 35 U.S.C. § 103 as obvious over Bergler in view of U.S. Patent Application Publication No. 2005/0114266 ("Satkunanathan").

III. Claim 19 is rejected under 35 U.S.C. § 103 as obvious over Bergler in view of U.S. Patent Application Publication No. 2002/0174356 ("Padole").

Argument

I. CLAIMS 1, 4-8, 10-18, 20-32 AND 34 ARE PATENTABLE OVER BERGLER

Claims 1, 4-8, 10-18, 20-32 and 34 were rejected under 35 U.S.C. § 102 in the Final Office Action dated August 24, 2010 as being anticipated by U.S. Patent Application Publication No. US 2002/0194010 ("Bergler"). FOA, pp. 4.

The MPEP § 2131 defines the standard for anticipation as follows:

> The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). MPEP § 2131 (emphasis added).

In other words, if there is not identity of terminology, then it is the Examiner's burden to provide adequate support from the reference for a valid equivalency argument.

Claim 1 recites in part, "enabling user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another said

software controller." The claimed exchange token can be transferred to "another software controller" and exchanged for a new current data token regardless of whether the current data token is about to expire. For example, claim 1 recites, "supplying . . . the exchange token via the network to the license management server to be exchanged for a new data token to replace the current data token . . . (b) if the current data token is an exchange token from another said software controller." Bergler fails to disclose an exchange token as recited in the independent claims.

The Examiner, citing paragraph [0086], lines 8-9 of Bergler, relies on Bergler's discussion of issuing the "same" license to a client as being equal to an "exchange token". FOA, pp. 5, first paragraph. However, Bergler states, "If this 'same' license has not been issued to a different client, it will be available in the available license pool 314 for updating and issuing to the same client". Bergler, [0086] (emphasis added). Thus, in Bergler the "same" license is only issued when the client has that current license already and that license is about to expire.

The Office Action relies on paragraph [0087] of Bergler as allegedly disclosing an exchange token to be exchanged for a new data token to replace the current data token if the current data token is an exchange token from another said software controller (see claims 1, 21, 25 and 29) or in the absence of a current data token (see claims 12, 23, 27 and 31). FOA, pp. 5, second paragraph and pp. 9, last paragraph. However, the Bergler citation states, "If the license server

108 is <u>unable to locate the 'same' permanent license</u> (meaning that this license was already reissued to a different client), it then searches for any new permanent license (operation 416) in the available license pool 314 and issues a new license with a new expiration date at operation 418." Bergler, [0087]. Thus, contrary to the Examiner's position, Bergler requires issuing a new permanent license rather than issuing the "same" license (alleged by the Examiner to be analogous to the claimed exchange token).

Thus, Bergler fails to disclose an exchange token to be exchanged for a new data token to replace the current data token if the current data token is an exchange token from another said software controller, as recited in claims 1, 21, 25 and 29. Bergler also fails to disclose an exchange token to be exchanged for a new data token in the absence of a current data token , as recited in claims 12, 23, 27 and 31.

As such, the *prima facie* case of anticipation fails for independent claims 1, 12, 21, 23, 25, 27, 29 and 31. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

II. CLAIM 9 IS PATENTABLE OVER BERGLER IN VIEW SATKUNANATHAN

Claim 9 is dependent on and further limits claim 1. Since claim 1 is patentable over the prior art, claim 9 is also patentable over the prior art for at least the same reasons as claim 1.

II. CLAIM 19 IS PATENTABLE OVER BERGLER IN VIEW PADOLE

Claim 19 is dependent on and further limits claim 12. Since claim 12 is patentable over the prior art, claim 19 is also patentable over the prior art for at least the same reasons as claim 12.

Conclusion

In view of the foregoing, Appellant submits that the rejections of claims 1, 4-32 and 34 are improper and respectfully requests that the rejections of claims 1, 4-32 and 34 be reversed by the Board.

Respectfully submitted,

Dated: April 25, 2011

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Claims Appendix

Claim 1. (previously presented) A software licence management system in which a licence to use a software product is represented by a data token, the system comprising:

a software controller at a user device for controlling use of a software product at the user device wherein the software controller is adapted for:

- allowing said use of the software product at the user device substantially only during a use period associated with a current data token representing the licence for the software product and supplied to the software controller by a licence management server, the licence management server communicating with the software controller via a data communications network;

- enabling user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another said software controller, and

- supplying one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token to replace the current data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if the current data token is an exchange token from another said software controller.

Claims 2-3. (canceled)

Claim 4. (previously presented) A system as claimed in claim 1 wherein the token identifier for a data token comprises that data token.

Claim 5. (previously presented) A system as claimed in claim 1 wherein the system is adapted such that the use periods associated with alternate data tokens in a chain of data tokens received by the software controller from the licence management server do not overlap.

Claim 6. (previously presented) A system as claimed in claim 1 wherein:

an exchange period is associated with each data token; and

the system is adapted such that a new data token, to replace a current data token, can be obtained by the software controller only during the exchange period associated with that current data token.

Claim 7. (previously presented) A system as claimed in claim 6 wherein the use period and exchange period associated with a data token overlap.

Claim 8. (previously presented) A system as claimed in claim 1 wherein the software controller is adapted for enabling user access to said exchange token by supplying the

exchange token for storage by the user.

Claim 9. (previously presented) A system as claimed in
claim 1 wherein the software controller is adapted for
enabling user access to said exchange token by storing the
exchange token at a back-up storage location and supplying
access data, for accessing the exchange token at said storage
location, to the user.

Claim 10. (previously presented) A system as claimed in
claim 1 wherein the licence management server is adapted for
supplying a new data token in exchange for a received token
only if the received token does not correspond to a token
already exchanged.

Claim 11. (previously presented) A system as claimed in
claim 1 wherein the licence management server is adapted for
supplying a new data token in exchange for a received token
before detecting if the received token corresponds to a token
already exchanged.

Claim 12. (previously presented) A software licence
management system in which a licence to use a software product
is represented by a data token, the system comprising:
        a software controller at a user device for controlling
use of a software product at the user device; and
        a licence management server for communicating with the

software controller via a data communications network;

wherein the software controller is adapted for

- allowing said use of the software product substantially only during a use period associated with a current data token supplied to the software controller by the licence management server,

- receiving an exchange token associated with said licence, and

- supplying one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if a said exchange token is received by the software controller in the absence of a current data token;

and wherein the licence management server is adapted for

- storing the use period for each data token supplied to the software controller under the licence, and

- supplying via the network to the software controller a new data token in exchange for a current data token, or said exchange token, received from the software controller, the new data token having a new use period which does not overlap the use period of a data token previously-supplied under the licence.

Claim 13. (previously presented) A system as claimed in claim 12 wherein a said data token comprises a coin.

Claim 14. (previously presented) A system as claimed in claim 12 wherein the use period associated with a data token is indicated in the data token.

Claim 15. (previously presented) A system as claimed in claim 12 wherein the software controller is adapted for supplying one of the current data token and the exchange token automatically to the licence management server to extend the licence for the software product.

Claim 16. (previously presented) A system as claimed in claim 12 wherein:

an exchange period is associated with each data token; and

the system is adapted such that a new data token, to replace a current data token, can be obtained by the software controller only during the exchange period associated with that current data token.

Claim 17. (previously presented) A system as claimed in claim 16 wherein the exchange period associated with a data token is indicated in the data token.

Claim 18. (previously presented) A system as claimed in claim 12 wherein:

a said data token represents a licence to use a plurality of software products; and

the software controller is adapted for storing product
data, indicative of said plurality of software products, at a
back-up storage location, and allowing use of each of the
software products substantially only during the use period
associated with the current data token supplied by the licence
management server.

Claim 19. (previously presented) A system as claimed in
claim 18 wherein the product data comprises, for each software
product, data representing an individual licence for that
software product.

Claim 20. (previously presented) A system as claimed in
claim 18 wherein the product data comprises the software
products.

Claim 21. (previously presented) A software controller
for use in a software licence management system in which a
licence to use a software product is represented by a data
token, the system having a licence management server for
communicating with the software controller via a data
communications network, wherein the software controller
comprises control logic for controlling use of a software
product at a user device, the control logic being adapted for:
allowing said use of the software product substantially
only during a use period associated with a current data token
supplied to the software controller by the licence management
server;

enabling user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another said software controller; and

supplying one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token to replace the current data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if the current data token is an exchange token from another said software controller;

wherein said use of the software product is not allowed if the current data token is an exchange token.

Claim 22. (previously presented) A licence management server for use with a software controller as claimed in claim 21 in a software licence management system in which a licence to use a software product is represented by a data token, the licence management server comprising control logic adapted for:

communicating with the software controller via a data communications network;

supplying via the network to the software controller a new data token, to replace the current data token and having a new use period associated therewith, in exchange for a current data token, or an exchange token corresponding to the current data token, received from the software controller; and

detecting if a said token received from the software
controller for exchange corresponds to a token already
exchanged by the licence management server.

Claim 23.   (previously presented)   A software controller
for use in a software licence management system in which a
licence to use a software product is represented by a data
token, the system having a licence management server for
communicating with the software controller via a data
communications network, wherein the software controller
comprises control logic for controlling use of a software
product at a user device, the control logic being adapted for:
allowing said use of the software product substantially
only during a use period associated with a current data token
supplied to the software controller by the licence management
server;
receiving an exchange token associated with said licence;
and
supplying one of the current data token and the exchange
token via the network to the licence management server to be
exchanged for a new data token (a) to extend the licence for
the software product beyond the use period associated with a
current data token supplied by the licence management server
and (b) if a said exchange token is received by the software
controller in the absence of a current data token.

Claim 24.   (previously presented)   A licence management
server for use with a software controller as claimed in claim

23 in a software licence management system in which a licence to use a software product is represented by a data token, the licence management server comprising control logic adapted for:

communicating with the software controller via a data communications network;

storing the use period for each data token supplied to the software controller under the licence; and

supplying via the network to the software controller a new data token in exchange for a current data token, or said exchange token, received from the software controller, the new data token having a new use period which does not overlap the use period of a data token previously-supplied under the licence.

Claim 25. (previously presented) A computer program product stored on a computer readable medium, comprising computer readable program means for causing a computer to perform a computer program for controlling use of a software product at a user device in accordance with a licence represented by a data token, the user device being connectable to a licence management server via a data communications network, the computer program comprising program code means adapted to:

allow use of the software product at the user device substantially only during a use period associated with a current data token supplied to the user device by the licence management server;

enable user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another user device; and

supply one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token to replace the current data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if the current data token is an exchange token from another user device;

wherein said use of the software product is not allowed if the current data token is an exchange token.

Claim 26.   (previously presented)   A computer program product stored on a computer readable medium, comprising computer readable program means for causing a computer to perform a computer program for use in a licence management server of a software licence management system in which a licence to use a software product is represented by a data token, the system including a software controller as claimed in claim 21 and the licence management server being adapted for communicating with the software controller via a data communications network, wherein the computer program comprises program code means adapted to cause the licence management server to:

supply via the network to the software controller a new

data token, to replace the current data token and having a new
use period associated therewith, in exchange for a current
data token, or an exchange token corresponding to the current
data token, received by the licence management server from the
software controller; and

detect if a said token received from the software
controller for exchange corresponds to a token already
exchanged by the licence management server.

Claim 27. (previously presented) A computer program
product stored on a computer readable medium, comprising
computer readable program means for causing a computer to
perform a computer program for controlling use of a software
product at a user device in accordance with a licence
represented by a data token, the user device being connectable
to a licence management server via a data communications
network, the computer program comprising program code means
adapted to:

allow use of the software product at the user device
substantially only during a use period associated with a
current data token supplied to the user device by the licence
management server;

receive an exchange token associated with said licence;
and

supply one of the current data token and the exchange
token via the network to the licence management server to be
exchanged for a new data token (a) to extend the licence for
the software product beyond the use period associated with a

current data token supplied by the licence management server
and (b) if a said exchange token is received by the user
device in the absence of a current data token.

Claim 28. (previously presented) A computer program
product stored on a computer readable medium, comprising
computer readable program means for causing a computer to
perform a computer program for use in a licence management
server of a software licence management system in which a
licence to use a software product is represented by a data
token, the system including a software controller as claimed
in claim 23 and the licence management server being adapted
for communicating with the software controller via a data
communications network, wherein the computer program comprises
program code means adapted to cause the licence management
server to:

store the use period for each data token supplied to the
software controller under the licence; and

supply via the network to the software controller a new
data token in exchange for a current data token, or said
exchange token, received by the licence management server from
the software controller, the new data token having a new use
period which does not overlap the use period of a data token
previously-supplied under the licence.

Claim 29. (previously presented) A method for
controlling use of a software product at a user device in
accordance with a licence represented by a data token, the

user device being connectable to a licence management server via a data communications network, wherein the method comprises, at the user device:

allowing use of the software product substantially only during a use period associated with a current data token supplied to the user device by the licence management server;

enabling user access to an exchange token, dependent on the current data token supplied by the licence management server, whereby the exchange token can be supplied as a current data token to another user device; and

supplying one of the current data token and the exchange token via the network to the licence management server to be exchanged for a new data token to replace the current data token (a) to extend the licence for the software product beyond the use period associated with a current data token supplied by the licence management server and (b) if the current data token is an exchange token from another user device;

wherein said use of the software product is not allowed if the current data token is an exchange token.

Claim 30. (previously presented) A method for operation of a licence management server of a software licence management system, in which system use of a software product at a user device is controlled by a method as claimed in claim 29, the method for operation of the licence management server comprising:

supplying via the network to the user device a new data

token, to replace the current data token and having a new use
period associated therewith, in exchange for a current data
token, or an exchange token corresponding to the current data
token, received from the user device; and

detecting if a said token received from the user device
for exchange corresponds to a token already exchanged by the
licence management server.

Claim 31. (previously presented) A method for
controlling use of a software product at a user device in
accordance with a licence represented by a data token, the
user device being connectable to a licence management server
via a data communications network, wherein the method
comprises, at the user device:

allowing use of the software product substantially only
during a use period associated with a current data token
supplied to the user device by the licence management server;
and

supplying one of the current data token and an exchange
token, associated with said licence, via the network to the
licence management server to be exchanged for a new data token
(a) to extend the licence for the software product beyond the
use period associated with a current data token supplied by
the licence management server and (b) if a said exchange token
is received by the user device in the absence of a current
data token.

Claim 32. (previously presented) A method for operation

of a licence management server of a software licence
management system, in which system use of a software product
at a user device is controlled by a method as claimed in claim
31, the method for operation of the licence management server
comprising:

storing the use period for each data token supplied to
the user device under the licence; and

supplying via the network to the user device a new data
token in exchange for a current data token, or said exchange
token, received from the user device, the new data token
having a new use period which does not overlap the use period
of a data token previously-supplied under the licence.

Claim 33.   (canceled)

Claim 34. (previously presented) A system as claimed in
claim 1 wherein the licence management server is adapted for:
- receiving via the network from the software controller
a new data token, to replace the current data token and having
a new use period associated therewith, in exchange for a
current data token, or an exchange token corresponding to the
current data token,
- detecting if a said token received from the software
controller for exchange corresponds to a token already
exchanged by the licence management server,
- detecting if the same data token is received twice for
exchange,
- storing a token identifier corresponding to each data

token received by the server for exchange, and

- comparing the token identifier for each received data token with the stored token identifiers to detect if the same data token is received twice for exchange;

wherein the exchange token is a copy of the current data token..

Evidence Appendix

None.

Related Proceedings Appendix

None.